REMARKS

Claims 3, 4, 9 and 11-13 are pending. Claims 3, 11, and 12 were amended. Claim 13 was cancelled. No new matter has been introduced by virtue of these amendments and entry is respectfully requested.

All amendments herein are made without prejudice or disclaimer as to all deleted subject matter. Applicants specifically reserve the right to pursue all deleted subject matter in one or more divisional and/or continuation applications.

The Examiner has acknowledged that the information disclosure statement (IDS) submitted on September 11,2009 was in compliance with the provisions of 37 § CFR 1.97. Accordingly, the information disclosure statement has been considered by the Examiner.

Claim Rejections under 35 U.S.C. §103(a)

Claims 3, 4, 9 and 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. (USPN 5,980,926) in view of Hoy et al. (USPN 5,208,030).

Applicants respectfully traverse. However, in order to compact and expedite prosecution Applicants have amended claim 3 to recite "wherein the second active ingredient has coarser particles than the first active ingredient". Applicants have also amended claims 11 and 12 to recite "wherein the second active ingredient has coarser particles than the first active ingredient".

With respect to the Examiner's allegations on page 4 of the Office Action that Suzuki et al "teaches" a method of making a water dispersible granule formation by using "WDG-SC" with an average size of 1.5 microns, which is produced by admixing an active agent, a wetting and dispersing agent, and water and subjecting the mixture to wet granulation, Applicants respectfully disagree. In addition, as to the Examiner's allegations on page 6 of the Office Action, that Hoy et al "teaches" dry milling at least one active ingredient, a wetting/drying agent, and a mineral carrier to an average size of less than 5 microns, Applicants respectfully disagree.

In the present application, the first active ingredient is pulverized to an average particle size value from about 0.5 μm to about 5 μm in the step of wet milling the combined mixture, the second active ingredient is pulverized to an average particle size value from about 3 μm to about 30 μm in the step of pulverizing the combined mixture under dry milling, and the second active ingredient has coarser particles than the first active ingredient. By the co-existence of the first and second active ingredients, wherein the second active ingredient has coarser particles than the first active ingredient, it has been discovered for the first time that enhancements of both the initial and residual activity of an active ingredient are observed.

As shown in the Table 1 of the present application, the second active ingredient has coarser particles than the first active ingredient in all of the water dispersible granule formulations of the Examples 1 to 6. By selecting such constitution, it has been enabled for the first time that enhancements of both the initial and residual activity of an active ingredient are attained. The results are concretely shown in Tables 3 to 5. For example, Table 4 shows that the water dispersible granule formulation of Example 5 demonstrates 20% of residual effect, whereas the water dispersible granule formulation of Comparative Example 5 demonstrates 0% of residual effect, when the concentration of an active ingredient sprayed is 12 ppm. In addition, the water dispersible granule formulation of Example 5 demonstrates 95% of initial activity, whereas the water dispersible granule formulation of Comparative Example 6 demonstrates 50% of initial activity, when the concentration of an active ingredient sprayed is 3 ppm.

Neither Suzuki nor Hoy are focused on the average diameter sizes which are embodiments of the present invention. The Examiner has acknowledged that Suzuki is silent as to the average particle size of the second active agent. In addition, Suzuki and Hoy do not teach or suggest the above excellent effects as taught by Applicants, which is obtained by the co-existence of the first and second active ingredients, wherein the second active ingredient obtained by dry milling has coarser particles than the first active ingredient obtained by wet milling. Therefore, the invention of claim 3 is not obvious to a person of ordinary skill and has inventive step. Furthermore, since claims 4, 9 and 13 are dependent on claim 3, rejections to these claims should also be overcome.

Claims 11 and 12 relate to the further limitations of claim 3, and since claim 3 is not obvious in view of the cited references, based on the claim amendments and Applicant's arguments, rejections to these claims should also be withdrawn.

In view thereof, Applicants respectfully request reconsideration and withdrawal of the instant rejection.

CONCLUSION

In view of the foregoing, reconsideration and withdrawal of all rejections and allowance of the application is respectfully solicited.

If there are any remaining issues or the Examiner believes that a telephone conversation with the undersigned would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at telephone number shown below.

This response is being timely filed within the shortened statutory period and as such, Applicants believe no fees are due. Although, Applicants believe that no extensions of time are required with submission of this paper, Applicants request that this submission also be considered as a petition for any further extensions of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions of time and any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing or during prosecution of this application to Deposit Account No. 04-0100.

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Respectfully submitted,

By /Nicholas A. Zachariades/
Nicholas A. Zachariades
Registration No.: 56,712
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant